

MINUTES OF THE DARE COUNTY PLANNING BOARD MEETING

The Dare County Planning Board held their regularly scheduled meeting on Tuesday, August 1, 2023. This meeting was held in Room 168 of the Dare County Administrative Building, 954 Marshall C. Collins Drive, Manteo, NC.

CALL TO ORDER	6:00PM
MEMBERS PRESENT	John Finelli, Chairman Buddy Shelton Terry Gore II John DeBoy David Hines
MEMBERS ABSENT	Beth Midgett David Overton

APPROVAL OF MINUTES

There being no additions, deletions or corrections to the minutes of the July 6, 2023 meeting of the Dare County Planning Board, Terry Gore made a motion to approve the minutes as drafted. Buddy Shelton seconded this motion.

Vote: Ayes – Unanimous

PUBLIC COMMENT

At 6:01 p.m. Chairman Finelli outlined the procedure for making Public Comments. There were no public comments made at this meeting.

Public Comment Closed at 6:02

OLD BUSINESS None

NEW BUSINESS

Preliminary Plat Review, 3 Lot Subdivision Revision, Port Avon East, Lots 2,3 and 11-16. Applicant: John Robert Hooper

Property owner, John Robert Hooper of Buxton was present at the meeting.

Mr. Gillam, Planning Director, addressed the Board. His comments are shown below:

Mr. Gillam stated this is a reconfiguration of an existing 16 lot subdivision. He explained the original subdivision was platted in 1996, under the dimensional requirements of the R2-A, which requires single family lots not serviced by a central water supply to have 20,000 square feet of area and be connected to a private well. He further explained the owners of 8 of the lots are proposing to install a new water line connecting to Dare County's central water system, which will allow for 8 lots to be reconfigured to the reduced 15,000 square feet minimum and will allow for 3 new lots to be created with the reserve square footage. Mr. Gillam noted when the water line is extended to the subdivision, a fire hydrant will need to be installed at the intersection of Old Main Rd at either East Kinnakeet Reef Ct. or West Kinnakeet Reef Ct., per the Dare County Fire

Marshal and the needed fire flow at the hydrant shall be 1,000 gallons per minute. Documentation of current fire flow data and the proposed designed waterline capabilities shall be provided to the Dare County Fire Marshal to ensure the required flow can be achieved. Test data at the new hydrant shall be provided prior to recording the final plat. The final plat shall show the CAMA AEC line and include language stating "Some portions of some lots in this subdivision are located in Areas of Environmental Concern. Individual permits may be required before development may take place in these areas". Mr. Gillam stated that Ownership Certificates for the three property owners dividing the property shall be included on the final plat and Note 10 shall be updated to include the owner of Lot 2.

DISCUSSION:

The lot numbers being reconfigured and/or assigned were clearly identified and a revised plat was provided. Chairman Finelli suggested a revision of Note 10 to state "Property Ownership of the Lots that are to be configured". It was agreed that language would suffice and based on the updated plat submitted, Mr. Gillam stated there were no other requirements needed outside of this correction to Note 10.

Buddy Shelton made a motion to approve the preliminary plat for reconfiguration of Port Avon East Subdivision. Terry Gore seconded the motion.

Vote: Ayes - Unanimous

Zoning Text Amendment to Section 22-25 C-2, Request to add Breweries to the list of uses. Applicant: Joseph Falk and Jeffery Keznor

Jeffrey and Nareina Keznor of Avon were both present at the meeting representing themselves, as well as an authorized agent of Joseph Falk, the property owner.

Savannah Newbern, Planner, addressed the Board. Her comments are shown below:

Ms. Newbern stated Joseph Falk and Jeffrey Keznor have submitted a text amendment request to amend the Dare County Zoning Ordinance, C-2 General Commercial zoning district, Section 22-25. Mr. Falk and Mr. Keznor seek the addition of Breweries to the list of uses allowed in areas zoned C-2. Ms. Newbern explained the C-2 district applies to portions of Avon and Buxton, and is intended to provide for the development of commercial facilities to serve permanent residents and the general public and that any text amendment to the C-2 district would also apply to all lands zoned C-3 in Avon, Buxton, and on Roanoke Island.

Ms. Newbern noted the C-2 district offers a range of commercial uses and included a copy of the C-2 regulations for the Board's review. The Dare County Zoning Ordinance already defines Brewery as follows: A facility licensed by the State of North Carolina to produce, manufacture and distribute malt beverages. The total amount of malt beverages produced at a brewery shall not exceed 10,000 barrels annually. The current permitted uses in C-2 allow for such uses as retail stores, service establishments, and indoor recreation uses.

Ms. Newbern further stated the 2009 Dare County Land Use Plan includes two policies under Commercial Development heading that are pertinent to this proposed text

amendment. A copy of this information is attached with the staff memorandum. LUC #5 encourages the continued existence of locally- owned businesses in unincorporated Dare County. LUC#6 addresses the scope of commercial development and the use of gross floor area limitations to manage the size of commercial development. This proposed text amendment does not seem incompatible with policies listed.

Staff recommends language similar to the existing language for breweries allowed as a special use in the SP-C Neighborhood Commercial District. The Planning Board may consider including additional relevant and reasonable conditions. Additionally, the Planning Board may consider recommending text amendment language which allows for breweries as special use. Staff has included the language recommending breweries as a permitted use, due to the differences in character between patterns of commercial development in the C-2 Commercial district and the SP-C Neighborhood Commercial district. SP-C is a very low-density, neighborhood-serving zoning district located in Stumpy Point, whereas the C-2 district is more intensely developed with existing commercial business serving both residents and visitors to Dare County. The first condition proposed in the language below is intended to provide for the proper spacing of commercial development from residential uses.

The following language is suggested:

Permitted Uses:

Breweries as defined in Section 22-2 provided the following conditions are met:

- a. No portion of the building or processing area shall be located closer than 75 feet to a residential structure. There shall be no outdoor storage of raw materials used in the manufacture of malt beverages.
- b. Minimum parking requirement. On-site parking for delivery trucks and employees shall be provided at a ratio of one 10 feet by 20 feet parking space per 1,000 square feet of heated gross floor area or a minimum of ten spaces whichever is less.

Discussion:

Chairman Finelli stated the parking requirements would need to be addressed. Mr. Gillam reaffirmed this Zoning Amendment was not Site Specific. After the discussion, it was decided the parking standard to be one-(1) parking space per 200 sq. ft. of retail space and one-(1) parking space per 1,000 sq. ft. of production area. Other suggested revisions were changing the language of the draft to state "No portion of the building or processing area shall be located closer than 75 feet to an existing residential structure". Additionally, Ms. Newbern mentioned the fact that this district requires a buffer to be installed between any residential and commercial uses.

Terry Gore made a motion to advance and recommend this Zoning Text Amendment to the Dare County Commissioners. The motion includes a finding of consistency with the Dare County Land Use Plan. Seconded by John Deboy.

Vote: Ayes – Unanimous

Zoning Map Amendment Application to convert 41027 NC 12 Hwy Avon from C-2 to C-3. Applicant: Land's End Development, LLC

Joe Thompson of Frisco, property owner, was present at the meeting.

Mr. Gillam, Planning Director, addressed the Board. His comments are shown below:

A zoning map amendment application has been submitted by Joe Thompson of Land's End Development for his property located at 41027 NC 12 Hwy in Avon, NC. Mr. Gillam stated the property is currently zoned C-2 Commercial and functions as a theater and a pool facility for the applicant's adjoining property and the applicant is seeking to have the property rezoned C-3 commercial. It is the applicant's goal, if the map amendment is approved, to recombine his adjoining property to the north that is zoned C-3 with this parcel so they can function in unity. If the map amendment is approved the applicant will have to submit a recombination plat, and have the special use permits for both properties amended so they operate in conjunction.

The surrounding properties around the subject parcel are zoned C-2 Commercial and C-3 Commercial. Mr. Gillam stated the property to the north is owned by the applicant and is zoned C-3, and currently a travel trailer park, restaurant, mobile food truck court, and fishing pier operate on the parcel. The property to the south is zoned C-2 commercial and has a multi-family condominium complex on it and the properties to the west across NC Hwy 12 are zoned C-2 and have a mix of retail, offices, and restaurants located on them. The property to the east is bordered by the Cape Hatteras National Seashore and the Atlantic Ocean.

Mr. Gillam explained the C-3 zoning district is established to provide for the development of commercial facilities to furnish a broad range of services and commodities to serve the entire community. The C-3 permits such uses as, building supply and equipment sales, travel trailer parks/campgrounds, indoor recreation activities, and all uses permitted in the C-2 zoning district. Copies of both zoning districts ordinances are attached to this memo.

After review of the surrounding properties uses and zoning, Mr. Gillam communicated that a reclassification to C-3 commercial for the applicant's parcel would not disrupt the flow of surrounding area uses and zoning districts. The property would be contiguous with properties currently zoned commercial. It is staff's recommendation that the reclassification to C-3 meets the requirements and is appropriate.

Mr. Gillam noted the Zoning Amendment Consistency Determination with Dare County Land Use Plan that is included within this memo for the Board's review should be included with any recommendation made.

This item will be forwarded to the Dare County Board of Commissioners, and a Legislative Hearing will be scheduled and conducted before any action by the Board of Commissioners is considered.

Discussion:

Mr. Thompson provided an aerial map for Board review. He reiterated that the goal was to combine the two properties. He believes the property is more beneficial as a single piece and he does not see any additional uses in the future that would not be permitted in C-2.

Terry Gore made a motion to advance this to the Dare County Board of Commissioners with a recommendation of changing the specific zone from C-2 to C-3, pursuant to Finding of Consistency with the 2009 Dare County Land Use Plan Update, specifically Policies 5 and 6. Buddy Shelton seconded the motion.

Vote: Ayes - Unanimous

OTHER BUSINESS

Chairman Finelli anticipates an upcoming public hearing for new zoning in Martin's Point on commercial properties from Southern Shores Extra Territorial Jurisdiction to Dare County.

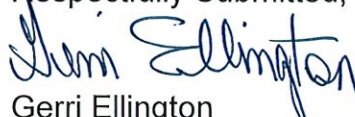
Additionally, Mr. Gillam anticipates having the Land Use Plan update set for review in September and further proceed in adoption by the commissioners and formerly adopted by the State.

ADJOURNMENT

There being no further business before the Dare County Planning Board, a motion to adjourn was made by David Hines and seconded by Buddy Shelton.

Vote: Ayes - Unanimous

The meeting adjourned at 7:02PM.

Respectfully Submitted,

Gerri Ellington
Planning Board Clerk

APPROVED: September 5, 2023


John Finelli

Chairman, Dare County Planning Board